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22927 7590 02/01/2010

WALKER DIGITAL MANAGEMENT, LLC  
2 HIGH RIDGE PARK  
STAMFORD, CT 06905

EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3687

DATE MAILED: 02/01/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,117	10/02/2000	Jay S. Walker	00-047	3707

TITLE OF INVENTION: SYSTEM, METHOD AND APPARATUS FOR ENCOURAGING THE UNDERTAKING OF A PREVENTATIVE TREATMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	05/03/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

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**INSTRUCTIONS:** This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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**2 HIGH RIDGE PARK**  
**STAMFORD, CT 06905**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop **ISSUE FEE** address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/678,117 10/02/2000 Jay S. Walker 00-047 3707

**TITLE OF INVENTION:** SYSTEM, METHOD AND APPARATUS FOR ENCOURAGING THE UNDERTAKING OF A PREVENTATIVE TREATMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$0 \$0 \$1510 05/03/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
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FRENEL, VANEL 3687 705-002000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

**PLEASE NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (**Please first reapply any previously paid issue fee shown above**)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims **SMALL ENTITY** status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming **SMALL ENTITY** status. See 37 CFR 1.27(g)(2).

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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PAPER NUMBER

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 725 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 725 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

### Notice of Allowability

Application No.

09/678,117

Examiner

VANEL FRENEL

Applicant(s)

WALKER ET AL.

Art Unit

3687

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/27/09 Amendment.
2. ☒ The allowed claim(s) is/are 1-2, 4-31, 33-45, 47-50, 52-78, 80-94, 96-98, and 111-115.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 20001002
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Michael Downs on 11/20/09.

Thank you for your courtesy in contacting Applicants about this application and the pending claims.

Attached please find a proposed amendment to the claims, which Applicants authorize you to enter. Some comments on the proposed amendment follow.

#### **Changes:**

Although Applicants do not believe such an amendment is necessary for patentability, independent method Claim 1 has been amended to incorporate a feature of: wherein the identification comprises at least one of: an identifier associated with the customer and a name of the customer. Claim 47 (apparatus) and Claim 48 (computer-readable medium) recite corresponding subject matter and have been similarly amended. Claim 3 has been cancelled.

Although Applicants do not believe such an amendment is necessary for patentability, independent method Claim 49 has been amended to incorporate a feature of: wherein the first identification comprises at least one of: an identifier associated with

the customer and a name of the customer. Claim 96 (apparatus) and Claim 94 (computer-readable medium) recite corresponding subject matter and have been similarly amended. Claim 51 has been cancelled.

Cancelled:

Independent Claims 46 and 95 have been cancelled without prejudice.

Added:

Consequently, Applicants have proposed new independent Claim 114 (computer-readable medium) and independent Claim 115 (apparatus), which recite subject matter corresponding to independent method Claim 97, already examined.

Entitled to consideration:

Claim 8-10, 16, 28, 29, 34, 38, 56-58, 64, 76, 77, 82 and 86 were withdrawn previously as being directed to non-elected species. Claims 1, 13, 25, 49, 61 and 73 are considered by the USPTO to be generic [See Office Action mailed October 22, 2004 (Paper No./Mail Date 10152004)]. As the Office has indicated that each of the generic claims would be in condition for allowance, Applicants request consideration of the withdrawn claims, each of which depends from an allowable claim and is allowable for at least that reason. The status of the previously withdrawn claims has been changed to "ORIGINAL" in the proposed amendment.

## **PROPOSED amendments to the claims**

1. (CURRENTLY AMENDED) A method for providing a benefit to a customer, comprising:

receiving, by a controller comprising at least one processor, an identification of a customer involved in a transaction with a third party,

wherein the identification comprises at least one of: an identifier associated with the customer and a name of the customer;

determining, by the controller, a preventative treatment for the customer;

offering a benefit to the customer toward the transaction if the customer adopts the preventative treatment;

receiving, by the controller, an indication that the customer agrees to adopt the preventative treatment; and

providing the benefit.

2. (ORIGINAL) The method of claim 1, wherein the receiving further comprises receiving the identification from at least one of: the customer, a merchant, a web site operator, an acquaintance of the customer, a family member related to the customer, a doctor, a pharmacist, an insurance provider, and a government agency.

3. (CANCELLED).

4. (ORIGINAL) The method of claim 1, wherein said customer is involved in a transaction comprising at least one of: a purchase of a product, a purchase of a service, an insurance premium, and an online purchase.

5. (ORIGINAL) The method of claim 1, wherein the customer has profile information comprising at least one of:

an age of the customer, a gender of the customer, a geographic location corresponding to a residence of the customer, a medical history of the customer, a medical history of the customer's family, an occupation of the customer, a previous

preventative treatment adopted by the customer, and at least one preventative treatment not adopted by the customer.

6. (ORIGINAL) The method of claim 1, wherein the preventative treatment further comprises at least one of:

a preventative health treatment, a preventative automobile repair, and a preventative home maintenance repair.

7. (ORIGINAL) The method of claim 6, wherein the preventative health treatment comprises at least one of:

a blood test, a cancer screening, a blood pressure screening, a teeth-cleaning treatment, a mammogram, a pap smear, a sigmoidoscopy, a colonoscopy, an immunization, a psychiatric examination, a psychological examination, a dental examination and a physical examination.

8. (ORIGINAL) The method of claim 1, wherein said determining a preventative treatment further comprises:

determining the preventative treatment based on a list of preventative treatments not undertaken by the customer.

9. (ORIGINAL) The method of claim 1, wherein said determining a preventative treatment further comprises:

determining the preventative treatment based on a list of preventative treatments not undertaken by the customer within a predetermined time.

10. (ORIGINAL) The method of claim 1, wherein said determining a preventative treatment further comprises:

determining a plurality of preventative treatments, wherein the customer may adopt at least one of said plurality of preventative treatments.



11. (ORIGINAL) The method of claim 1, wherein said determining a preventative treatment further comprises determining a plurality of preventative treatments, the method further comprising:

comparing a cost associated with each of said plurality of preventative treatments; and

selecting at least one of said plurality of preventative treatments based on said comparing.

12. (ORIGINAL) The method of claim 11, wherein said selecting further comprises:

selecting a preventative treatment having a lowest cost.

13. (ORIGINAL) The method of claim 1, wherein the preventative treatment corresponds to at least one condition.

14. (ORIGINAL) The method of claim 13, further comprising:

determining a future cost for the at least one condition, wherein the future cost is determined based on a probability of the customer contracting the condition.

15. (ORIGINAL) The method of claim 13, further comprising:

determining a future cost for the at least one condition, wherein the future cost is determined based on a probability of the customer contracting the condition within a predetermined time.

16. (ORIGINAL) The method of claim 13, further comprising:

determining a future cost, wherein the future cost is determined based on total cost for treating the condition.

17. (CANCELLED)

18. (ORIGINAL) The method of claim 1, further comprising:  
receiving a confirmation from a third party that the preventative treatment has been  
adopted by the customer.
19. (ORIGINAL) The method of claim 18, further comprising:  
updating profile information for the customer based on the confirmation.
20. (ORIGINAL) The method of claim 1, wherein the benefit is provided by an  
insurer of the customer.
21. (ORIGINAL) The method of claim 20, wherein the benefit is determined  
based on a probability that the customer will remain insured by the insurer for a  
predetermined time.
22. (ORIGINAL) The method of claim 1, further comprising:  
receiving a security for the benefit from the customer.
23. (ORIGINAL) The method of claim 22, wherein the security comprises an  
authorization to charge a financial account in the amount of the benefit.
24. (PREVIOUSLY PRESENTED) The method of claim 23, wherein the  
financial account comprises at least one of: a checking account, a savings account, a  
credit card account, and an alternative currency account.
25. (ORIGINAL) The method of claim 22, wherein the security is used to  
reimburse the payment of the benefit when a predetermined condition is not met.
26. (ORIGINAL) The method of claim 25, wherein the predetermined  
condition comprises a determination that the preventative treatment was adopted.

27. (ORIGINAL) The method of claim 25, wherein the predetermined condition comprises a determination that the preventative treatment was adopted within a predetermined time.
28. (ORIGINAL) The method of claim 25, wherein the predetermined condition comprises a requirement that the customer remain insured by an insurer for a predetermined time.
29. (ORIGINAL) The method of claim 25, wherein the predetermined condition comprises a requirement that the customer selects an insurance provider.
30. (ORIGINAL) The method of claim 1, further comprising:  
assigning a treatment provider for the selected preventative treatment.
31. (ORIGINAL) The method of claim 1, wherein the benefit comprises at least one of: a currency amount, an alternate currency amount, a percentage discount on a purchase, and a reduced insurance premium.
32. (CANCELED)
33. (PREVIOUSLY PRESENTED) The method of claim 1, in which providing the benefit comprises receiving a confirmation that the preventative treatment has been adopted.
34. (ORIGINAL) The method of claim 1, wherein the benefit is provided to a third party involved in a transaction with the customer.
35. (ORIGINAL) The method of claim 1, further comprising:  
determining the benefit based on an expected future cost.

36. (ORIGINAL) The method of claim 1, further comprising:  
determining a present value of a future cost associated with the preventative treatment; and  
determining the benefit based on the present value.
37. (ORIGINAL) The method of claim 1, wherein the benefit is provided in at least one installment payment.
38. (ORIGINAL) The method of claim 1, wherein the benefit is provided to one of: a party referring the customer and a party identified by the customer.
39. (ORIGINAL) The method of claim 1, wherein the benefit is provided by at least one of: an insurer, a group of insurers, a physician, an employer, a family member of the customer, a government agency, a drug manufacturer, a medical equipment manufacturer, an automobile repair center and a maintenance provider.
40. (ORIGINAL) The method of claim 1, further comprising:  
receiving a medical statistic of the customer with the identification.
41. (ORIGINAL) The method of claim 1, wherein the identification does not include a name of the customer.
42. (ORIGINAL) The method of claim 1, wherein the preventative treatment comprises an agreement to avoid the undertaking of a hazardous activity.
43. (ORIGINAL) The method of claim 1, wherein the preventative treatment comprises an educational assignment regarding a condition.

44. (ORIGINAL) The method of claim 43, wherein the educational assignment comprises at least one of: attendance of an educational seminar and reading educational literature.

45. (ORIGINAL) The method of claim 1, wherein said determining a preventative treatment further comprises determining a preventative treatment based on profile information corresponding to the customer.

46. (CANCELLED)

47. (CURRENTLY AMENDED) An apparatus for providing a benefit to a customer, comprising:  
a processor; and  
a memory in operative communication with the processor, the memory including a plurality of processing instructions for directing the processor to:  
receive an identification of a customer involved in a transaction,  
wherein the identification comprises at least one of: an identifier associated with the customer and a name of the customer;  
identify a preventative treatment for the customer;  
offer a benefit to the customer toward the transaction if the customer adopts the preventative treatment;  
receive an indication that the customer agrees to adopt the preventative treatment; and  
provide the benefit.

48. (CURRENTLY AMENDED) A computer-readable medium encoded with processing instructions for implementing a method, performed by a computer, for providing a benefit to a customer, the method comprising:  
receiving an identification of a customer involved in a transaction,

wherein the identification comprises at least one of: an identifier associated with the customer and a name of the customer;  
identifying a preventative treatment for the customer; and  
offering a benefit to the customer toward the transaction if the customer adopts the preventative treatment;  
receiving an indication that the customer agrees to adopt the preventative treatment; and  
providing the benefit.

49. (CURRENTLY AMENDED) A method for providing a benefit, comprising:  
receiving, by a controller comprising at least one processor, a first identification of a transaction involving a customer,

wherein the first identification comprises at least one of: an identifier associated with the customer and a name of the customer;  
transmitting, by the controller, a second identification of a preventative treatment to be adopted by the customer;  
receiving, by the controller, an indication that the preventative treatment has been adopted by the customer; and  
providing, via the controller, a benefit to the customer toward the transaction.

50. (ORIGINAL) The method of claim 49, wherein the receiving further comprises receiving the identification from at least one of: the customer, a merchant, a web site operator, an acquaintance of the customer, a family member related to the customer, a doctor, a pharmacist, an insurance provider, and a government agency.

51. (CANCELLED)

52. (ORIGINAL) The method of claim 49, wherein said transaction comprises at least one of: a purchase of a product, a purchase of a service, an insurance premium, and an online purchase.

53. (ORIGINAL) The method of claim 49, wherein the profile information comprises at least one of:

an age of the customer, a gender of the customer, a geographic location corresponding to a residence of the customer, a medical history of the customer, a medical history of the customer's family, an occupation of the customer, a previous preventative treatment adopted by the customer, and at least one preventative treatment not adopted by the customer.

54. (ORIGINAL) The method of claim 49, wherein the preventative treatment further comprises at least one of:

a preventative health treatment, a preventative automobile repair, and a preventative home maintenance repair.

55. (ORIGINAL) The method of claim 54, wherein the preventative health treatment comprises at least one of:

a blood pressure screening, a teeth-cleaning treatment, a mammogram, a pap smear, a sigmoidoscopy, a colonoscopy, an immunization, a psychiatric examination, a psychological examination, a dental examination and a physical examination.

56. (ORIGINAL) The method of claim 49, wherein said determining a preventative treatment further comprises:

determining the preventative treatment based on a list of preventative treatments not undertaken by the customer.

57. (ORIGINAL) The method of claim 49, wherein said determining a preventative treatment further comprises:

determining the preventative treatment based on a list of preventative treatments not undertaken by the customer within a predetermined time.

58. (ORIGINAL) The method of claim 49, wherein said determining a preventative treatment further comprises:

determining a plurality of preventative treatments, wherein the customer may adopt at least one of said plurality of preventative treatments.



59. (ORIGINAL) The method of claim 49, wherein said determining a preventative treatment further comprises determining a plurality of preventative treatments, the method further comprising:

comparing a future cost associated with each of said plurality of preventative treatments; and

selecting at least one of said plurality of preventative treatments based on said comparing.

60. (ORIGINAL) The method of claim 59, wherein said selecting further comprises:

selecting a preventative treatment having at least one of: a lowest cost and a highest savings.

61. (ORIGINAL) The method of claim 59, wherein the preventative treatment corresponds to at least one condition.

62. (ORIGINAL) The method of claim 61, wherein the future cost is determined based on a probability of the customer contracting the condition.

63. (ORIGINAL) The method of claim 61, wherein the future cost is determined based on a probability of the customer contracting the condition within a predetermined time.

64. (ORIGINAL) The method of claim 61, wherein the future cost is determined based on a total cost for treating the condition.

65. (ORIGINAL) The method of claim 49, wherein said adopting comprises an agreement by the customer to undertake the preventative treatment.

66. (ORIGINAL) The method of claim 49, further comprising:

receiving a confirmation from a third party that the preventative treatment has been adopted by the customer.

67. (ORIGINAL) The method of claim 66, further comprising:  
updating profile information corresponding to the customer based on the confirmation.

68. (ORIGINAL) The method of claim 49, wherein the benefit is provided by an insurer of the customer.

69. (ORIGINAL) The method of claim 68, further comprising:  
determining a future cost based on a probability that the customer will remain insured by the insurer for a predetermined time; and  
selecting a preventative treatment based on the future cost.

70. (ORIGINAL) The method of claim 49, further comprising:  
receiving a security for the benefit from the customer.

71. (ORIGINAL) The method of claim 70, wherein the security comprises an authorization to charge a financial account in the amount of the benefit.

72. (ORIGINAL) The method of claim 71, wherein the financial account comprises at least one of: a checking account, a savings account, a credit card account, and an alternative currency account.

73. (ORIGINAL) The method of claim 70, wherein the security is used to reimburse the payment of the benefit when a predetermined condition is not met.

74. (ORIGINAL) The method of claim 73, wherein the predetermined condition comprises a determination that the preventative treatment was adopted.

75. (ORIGINAL) The method of claim 73, wherein the predetermined condition comprises a determination that the preventative treatment was adopted within a predetermined time.

76. (ORIGINAL) The method of claim 73, wherein the predetermined condition comprises a requirement that the customer remain insured by an insurer for a predetermined time.

77. (ORIGINAL) The method of claim 73, wherein the predetermined condition comprises a requirement that the customer selects an insurance provider.

78. (ORIGINAL) The method of claim 49, further comprising:  
assigning a treatment provider for the selected preventative treatment.

79. (ORIGINAL) The method of claim 49, wherein the benefit comprises at least one of: a currency amount, an alternate currency amount, a percentage discount on a purchase, and a reduced insurance premium.

80. (ORIGINAL) The method of claim 49, wherein the benefit is provided to the customer.

81. (ORIGINAL) The method of claim 49, wherein the benefit is provided to the customer after receipt of a confirmation that the preventative treatment has been adopted.

82. (ORIGINAL) The method of claim 49, wherein the benefit is provided to a third party involved in the transaction.

83. (ORIGINAL) The method of claim 49, further comprising:

determining the benefit based on an expected future cost.

84. (ORIGINAL) The method of claim 49, further comprising:  
determining an expected present value of a future cost; and  
determining the benefit based on the present value.
85. (ORIGINAL) The method of claim 49, wherein the benefit is provided in at least one installment payment.
86. (ORIGINAL) The method of claim 49, wherein the benefit is provided to at least one of: a party referring the customer, and a party identified by the customer.
87. (ORIGINAL) The method of claim 49, wherein the benefit is provided by at least one of: an insurer, a group of insurers, a physician, an employer, a family member of the customer, a government agency, a drug manufacturer, a medical equipment manufacturer, an automobile repair center and a maintenance provider.
88. (ORIGINAL) The method of claim 49, further comprising:  
receiving a medical statistic of the customer with the identification.
89. (ORIGINAL) The method of claim 49, wherein the identification does not include a name of the customer.
90. (ORIGINAL) The method of claim 49, wherein the preventative treatment comprises an agreement to avoid the undertaking of a hazardous activity.
91. (ORIGINAL) The method of claim 49, wherein the preventative treatment comprises an educational assignment regarding a condition.

92. (ORIGINAL) The method of claim 91, wherein the educational assignment comprises at least one of: attendance of an educational seminar and reading educational literature.

93. (ORIGINAL) The method of claim 49, wherein said determining a preventative treatment further comprises determining a preventative treatment based on profile information corresponding to the customer.

94. (CURRENTLY AMENDED) A computer readable medium encoded with processing instructions for implementing a method for providing a benefit, the method comprising:

receiving, by a controller comprising at least one processor, a first identification of a transaction involving a customer,

wherein the first identification comprises at least one of: an identifier associated with the customer and a name of the customer;

transmitting, by the controller, a second identification of a preventative treatment to the customer;

receiving, by the controller, an indication that the preventative treatment has been adopted by the customer; and

providing, via the controller, a benefit to the customer toward the transaction.

95. (CANCELLED)

96. (CURRENTLY AMENDED) An apparatus for providing a benefit, comprising:
- a processor; and
  - a memory in operative communication with the processor, the memory for storing a plurality of processing instructions directing the processor to:
    - receive a first identification of a transaction involving a customer,
      - wherein the first identification comprises at least one of: an identifier associated with the customer and a name of the customer;
    - transmit a second identification of a preventative treatment to the customer;
    - receive an indication that the preventative treatment has been adopted by the customer; and
    - provide a benefit to the customer toward the transaction.
97. (PREVIOUSLY PRESENTED) A method for providing a benefit, comprising:
- receiving, by a controller comprising at least one processor, a first identification of a transaction between a customer and a third party;
  - determining, by the controller, a preventative treatment and a benefit;
  - transmitting, by the controller, a second identification of the preventative treatment and a third identification of the benefit to the customer;
  - receiving, by the controller, an indication that the preventative treatment has been adopted by the customer; and
  - providing the benefit toward the transaction between the customer and the third party in response to said indication.
98. (ORIGINAL) The method of claim 97, wherein a value for the benefit is determined from an expected future cost corresponding to the preventative treatment.
- 99 – 110. (CANCELED)

112. (PREVIOUSLY PRESENTED) The method of claim 1,  
wherein the third party is a third party merchant ; and  
wherein offering the benefit to the customer toward the transaction if the  
customer adopts the preventative treatment comprises:  
in response to receiving the identification of the customer involved in the  
transaction with the third party merchant, offering the benefit to the customer  
toward the transaction between the customer and the third party merchant if the  
customer adopts the preventative treatment.

113. (PREVIOUSLY PRESENTED) A method for providing a benefit to a customer, comprising:

- receiving, by a controller comprising at least one processor and associated with at least one insurer, an identification of a customer involved in a transaction with a third party merchant, the transaction being via a web site of the third party merchant;

- after receiving the identification of the customer involved in the transaction with the third party merchant,

- selecting, by the controller comprising at least one processor and associated with the at least one insurer, a preventative treatment for the customer;

- after receiving the identification of the customer involved in the transaction with the third party merchant,

- offering, by the controller comprising at least one processor and associated with the at least one insurer, a benefit to the customer toward the transaction between the customer and the third party merchant in exchange for the customer agreeing to adopt the preventative treatment;

- receiving, by the controller comprising at least one processor and associated with the at least one insurer, an indication that the customer agrees to adopt the preventative treatment; and

- providing the benefit toward the transaction between the customer and the third party merchant.



114. (NEW) A computer readable medium encoded with processing instructions for implementing a method for providing a benefit, the method comprising:

- receiving, by a controller comprising at least one processor, a first identification of a transaction between a customer and a third party;
- determining, by the controller, a preventative treatment and a benefit;
- transmitting, by the controller, a second identification of the preventative treatment and a third identification of the benefit to the customer;
- receiving, by the controller, an indication that the preventative treatment has been adopted by the customer; and
- providing the benefit toward the transaction between the customer and the third party in response to said indication.

115. (NEW) An apparatus for providing a benefit, comprising:

- a processor; and
- a memory in operative communication with the processor, the memory for storing a plurality of processing instructions directing the processor to:
  - receive a first identification of a transaction between a customer and a third party;
  - determine a preventative treatment and a benefit;
  - transmit a second identification of the preventative treatment and a third identification of the benefit to the customer;
  - receive an indication that the preventative treatment has been adopted by the customer; and
  - provide the benefit toward the transaction between the customer and the third party in response to said indication.

#### Notice to Applicant

2. This communication is in response to the Amendment filed on 10/27/09 and the Proposed Amendment submitted on 11/20/09. Claims 1, 47, 48, 49, 94 and 96 have

been amended. Claims 3, 17, 32, 46, 51, 95, and 99-110 have been cancelled. Claims 114 -115 have been newly added. Claims 1-2, 4-31, 33-45, 47-50, 52-78, 80-94, 96-98, and 111-115 are pending.

***Allowable Subject Matter***

2. Claims 1-2, 4-31, 33-45, 47-50, 52-78, 80-94, 96-98, and 111-115 are allowed in light of Applicant's arguments and the Proposed Amendment filed on 11/20/09.

The drawings filed on 10/02/00 have been acknowledged and considered by the Examiner.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/

Primary Examiner, Art Unit 3687

November 21, 2009